

Employee's Health Incapacity to Work and Legal Nature of Medical Certificates

Abstract

This thesis is named „Employee's Health Incapacity to Work and Legal Nature of Medical Certificates.“ Employee's health incapacity to work has significant consequences for the master-servant relationship and these consequences are visible in the areas of creation, modification and termination of the master-servant relationship. This incapacity can also have various causes and every cause can have different labour-law consequences. Employee's health incapacity can, however, be declared only by a medical certificate or by a decision of an administrative authority, which reviews the medical certificate. Only on the basis of the above mentioned medical certificate or decision of an administrative authority which reviews the medical certificate are the employer and employee entitled to actions predicted by legislation. In recent years, there has been a change in how medical certificates are viewed upon in terms of their legal nature. Today, medical certificates are not considered as legally binding, but only as a non-binding opinion.

The objective of this thesis is to describe and analyse the legal regulation of medical certificates, with extra attention being paid to the legal nature of those certificates. The goal is also to describe and analyse the consequences of employee's health incapacity to work and its causes. Another objective is to point out the problematic areas of the legislation and the ambiguity of several provisions. Last year, the legal regulation of medical certificates was largely amended. In that regard, the aim of this thesis is also to state, what positive or negative aspects this amendment brings.

This thesis is divided into three chapters. The first chapter defines the term "labour medical services," including a description of medical examinations of employees. These medical examinations are very important, because without these examinations the medical certificates cannot be issued. The second chapter is focused on medical certificates. It describes how the certificate is issued, reviewed and it also deals with the legal nature of medical certificates. The third chapter deals with employee's health incapacity to work. The chapter in detail describes the causes and the consequences of employee's health incapacity to work for the master-servant relationship.

Key words:

employee's health incapacity to work

medical certificate

labour medical services